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5 Attorney for Defendant  
6 KYRA BRUBECK

**\*E-FILED - 2/2/10\***

7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA

12 Plaintiff,

13 vs.

14 KYRA BRUBECK,

15 Defendant.  
16  
17

Case No. CR09-00457-RMW

STIPULATION AND [XXXXXX] ORDER  
CONTINUING DEFENDANT'S SENTENCING

18 The parties, including the defendant, stipulate as follows:

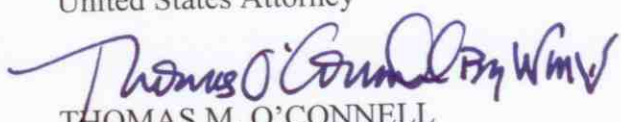
- 19 1. On October 26, 2009, defendant Kyra Brubeck ("defendant") pled guilty to  
20 the indictment in the above-captioned case, charging her with one count of  
21 possession with intent to distribute 5 grams or more of actual methamphetamine in  
22 violation of 21 U.S.C. sections 841(a)(1) and (b)(1)(B)(viii). Defendant's  
23 sentencing is currently scheduled for January 11, 2010.
- 24 2. Defendant is cooperating in the above-captioned case. Although the  
25 government has not yet filed its motion pursuant to U.S.S.G. § 5K1.1, defendant  
26 has indicated that she will attempt to provide additional cooperation. Defense  
counsel also requires additional time to prepare for sentencing.

1 Therefore, the parties respectfully request that the Court continue defendant's  
2 sentencing from January 11, 2010 to March 15, 2010 at 9 a.m.

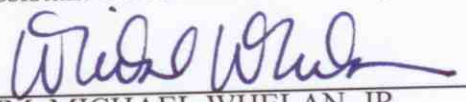
3 IT IS SO STIPULATED.

4  
5  
6 Dated: January 7, 2010

JOSEPH P. RUSSONIELLO  
United States Attorney

  
THOMAS M. O'CONNELL  
Assistant United States Attorney

7  
8  
9 Dated: January 7, 2010

  
WM. MICHAEL WHELAN, JR.  
Attorney for defendant KYRA BRUBECK

10  
11  
12 **[XXXXXXXXX] ORDER**

13 Having considered the stipulation of the parties, and good cause appearing,  
14 the Court orders that defendant Kyra Brubeck's sentencing is continued from  
15 January 11, 2010 to March 15, 2010 at 9:00 a.m.

16 IT IS SO ORDERED.

17 DATED: 2/2/10

  
THE HONORABLE RONALD M. WHYTE  
UNITED STATES DISTRICT COURT JUDGE